



12th & IDAHO PROJECT
PARTNERING AGREEMENT BETWEEN
UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

BOISE AREA OFFICE



AND

Idaho Occupational Safety and Health Consultation Program

AND

Power Construction

AND

Labor Unions

I. IDENTIFICATION OF PARTNERS

The Boise Area Office of the Occupational Safety and Health Administration (OSHA), Idaho Occupational Safety and Health Consultation Program, and Power Construction recognize the importance of providing a safe and healthful work environment for workers engaged in the construction industry. This OSHA Strategic Partnership Agreement (hereafter referred to as “OSP” or “the partnership”) at the 12th & Idaho Project, will facilitate the goals of OSHA to reduce occupational-related fatalities and serious injuries within the construction industry.

The groups listed below have developed this partnership agreement jointly with a common objective to provide a safe and healthful environment for all at the 12th & Idaho Project. It is the intent of this agreement to focus their combined expertise and knowledge to promote safety and encourage all workers on site to do their part in achieving the same.

- U.S. Department of Labor/Occupational Safety and Health Administration – Boise Area Office
- Idaho Occupational Safety and Health Consultation Program
- Power Construction

All contractors and subcontractors working at this site agree to participate in the partnership agreement.

The following Labor Unions are participants in this partnership agreement (hereinafter, collectively, “Labor Unions”):

SOUTHWEST REGIONAL COUNCIL OF CARPENTERS

II. PURPOSE/SCOPE

The purpose of this partnership is to provide a safe and healthful work environment for workers involved in the construction industry. Power Construction is committed to preventing injuries, serious accidents, and fatalities during the construction of the 12th & Idaho Project in Boise, Idaho, through training, implementation of best work practices, enhanced safety and health programs, and compliance with applicable OSHA standards and regulations.

Site Address: 120 N. 12th Street, Boise, ID 83702

Project Schedule: The site is beginning November 1st 2022, and the project will have a 26 month schedule with anticipated construction wrapping up in December of 2024.

Project Description: The 12th & Idaho Project will be a 26-story residential project approximately 420,500 Gross Square Feet (GSF) building with 298 residential units, utilizing type IA construction, located at 120 N 12th street in downtown Boise, Idaho. The superstructure will consist of a reinforced concrete frame with a coupled concrete shear walls providing resistance to wind and seismic loading. The floor system will consist of post-tensioned flat plate spanning between columns and shear walls. The building will be supported by grade beams and a deep foundation system consisting of drilled shafts ranging from 4-8 feet in diameter. McAlvain Construction is the Joint Venture (JV) Partner on the project, and there will be a JV partnership agreement in

place for the project. McAlvain Construction has a pre-existing OSHA Partnership in place with the OSHA Boise Area Office.

Approximately (200) workers are projected to be onsite at the peak of the project. The project is valued at approximately (\$105,000,000).

III. GOALS/STRATEGIES/MEASURES

The overall goal of the partnership is to create a working relationship that focuses on preventing work-related fatalities, reducing serious workplace hazards, and establishing a foundation for the development of an effective safety and health program. Specific goals for contractor compliance and involvement in the partnership for compliance, site audits, partnership improvements, and evaluations of partnership modifications and achievements are delineated in Section X of this document. Goals are delineated for Power Construction, OSHA, the Idaho Occupational Safety and Health Consultation Program, and Labor Unions.

(Continued on following page)

| GOALS | STRATEGIES | MEASURES |
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| <p>1) Maintain a project-wide injury and illness rate that is 15% below the 2020 BLS Total Recordable Case (TCIR) rate 2.5 and Days Away from Work, Restricted or Transfer (DART) rate of 1.6 for the construction industry (NAICS 23).</p> | <p>Establish proactive measures for the common hazards found at construction sites.</p> <ol style="list-style-type: none"> Implement a comprehensive site-specific safety program. Provide a comprehensive Site-Specific Safety Orientation for all workers prior to allowing them to work on site. Employers will provide all necessary engineering controls, administrative controls and personal protective equipment. Implement a site-wide project hazard and risk analysis to assure all anticipated hazards that can be eliminated or controlled via engineering are addressed, create administrative controls & procedures to cover those hazards that cannot be controlled or eliminated via engineering, and complete a personal protective equipment assessment. One hundred percent of employees on site will participate in a daily "stretch and strengthen program". | <ol style="list-style-type: none"> Power will collect, calculate and submit to OSHA the following injury and illness data on an annual basis for comparison to the national average: <ul style="list-style-type: none"> - 15% below the Total Recordable Case rate (2.125) - 15% below the Days Away, Restricted or Transfer rate (1.36) Power will compare the site's TCIR and DART with the 2020 BLS data published TCIR rate of 2.5 and a DART rate of 1.6 for (Construction) NAICS Code 23. Track participation in all trainings and daily activities with electronic forms process. Collect, review and maintain site-specific safety plans from contractors. Observe and occasionally participate in daily "stretch and strengthen program" led by subcontractor partners. |
| <p>2) Promote a cooperative relationship between labor and management, and encourage employee participation to achieve a safe and healthful workplace.</p> | <ol style="list-style-type: none"> Conduct weekly toolbox safety meetings. Keep an open-door safety policy and encourage hazard reporting. Conduct hazard analysis during the Daily Huddle and Job Hazard Analyses. | <ol style="list-style-type: none"> Toolbox talks and meetings will be used to track and document attendance, topic, and relevance. Course rosters & sign-ins will be used to track the number of employees receiving training. <ul style="list-style-type: none"> - Utilization of Power Safety Portal to analyze anonymous reporting feedback and implement corrective actions. Track incoming safety issues, |

| GOALS | STRATEGIES | MEASURES |
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| | <ul style="list-style-type: none"> d. Ensure worker participation (all trades represented) in the onsite safety and health program. e. Monthly project safety meeting with representatives from labor unions and management to include training, site observations, and discussions on project safety items. | <ul style="list-style-type: none"> suggestion forms, and complaints and their resolution. d. Track participation in on-site training, stand-downs, etc. e. Track participation, meeting minutes, observations and resolutions. |
| <p>3) Identify and prevent the most common causes of workplace injuries and illnesses in the construction industry, included but not limited to: falls, electrical safety, struck-by, caught in/between, trenching/excavations, cranes, crystalline silica, carbon monoxide, stress, and noise.</p> | <ul style="list-style-type: none"> a. Provide weekly toolbox safety meetings. b. Implement a six-foot fall protection rule. c. Conduct daily observations and record both compliant and non-compliant observations. d. All cutting of bricks, concrete block and, where feasible, all other cutting of concrete will be done per Table 1 outlined in 1926.1153(c) (1). e. Participate in emphasis programs similar to Safety Week, Fall Protection Stand-down, etc. to address the common causes of workplace injuries. | <ul style="list-style-type: none"> a. Site safety personnel will conduct daily, weekly and monthly observations to ensure that the most common hazards are addressed. b. When available and at OSHA's discretion, OSHA representatives will be present for annual safety observations and to meet with the site safety and health committee. c. OSHA log 300 will be used to track the number of work-related injuries and illnesses. TCIR and DART Rates for previous years will be used for comparison purposes. d. Incident Investigation and Root Cause Analysis (RCA) forms will be utilized to track near misses on the site. e. Track participation in on-site training, stand downs, etc. |
| <p>4) Support OSHA's Fall Protection Initiative to further the industry's awareness of fall hazards in the workplace.</p> | <ul style="list-style-type: none"> a. Implement a six-foot fall protection policy for all operations on the project. b. Power and all on-site contractors will participate in OSHA's annual "National Safety Stand-Down to Prevent Falls in Construction" event until the project is completed. Power and all on-site contractors will print and display OSHA's National Safety Stand-Down Poster in | <ul style="list-style-type: none"> a. Power, along with their contractors will use OSHA's "Join the National Safety Stand-Down" webpage to sign-up for the event, provide information about their stand down activity, track attendance and participation, and complete the survey. |

| GOALS | STRATEGIES | MEASURES |
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| | locations where employees are working and inside their on-site trailers. | |
| 5) One hundred percent (100%) of contractors and subcontractors to have site-specific, comprehensive written safety and health programs. | a. Written safety and health programs will be required for all contractors, subcontractors, and tier-subcontractors. | a. Power will review and maintain copies of all contractors, subcontractors', and tier-subcontractors' safety and health programs. |
| 6) One hundred percent (100%) of contractors and subcontractors to have a competent person who has completed, at a minimum, the OSHA 30-hour Outreach Training Program for Construction within the previous six years. | a. OSHA 30-hour certifications required for on-site competent person for all contractors, subcontractors and tier-subcontractors. Power will review and maintain copies of said certifications. | a. Track participation in training, certifications, etc. |

IV. SAFETY AND HEALTH MANAGEMENT SYSTEMS

The Safety and Health Management System (SHMS) is a critical part of this partnership agreement in that it is an important aspect of collaboration between the project management team, supervisors, and the workers on site. This SHMS will include, but not be limited to, the following core elements:

Management Leadership Roles

Power Construction will implement a SHMS patterned after OSHA’s “Recommended Practices for Safety and Health Programs in Construction” that will encourage partnering employers to commit a high level of worker involvement to assist in monitoring and identifying jobsite hazards on a continual basis to prevent accidents. The SHMS will be implemented at the initiation of the partnership and continue through the duration of the partnership.

https://www.osha.gov/shpguidelines/docs/8524_OSHA_Construction_Guidelines_R4.pdf

Worker Participation

The workers will be encouraged to report jobsite hazards and bring all potential hazards to the attention of Power Construction and/or supervisors if discovered for immediate response and correction. This will be encouraged in the following ways:

- Power Construction will hold a Job Site Safety Orientation with each worker prior to work on site. Each employee who has attended orientation will receive a serial-numbered sticker confirming their participation in the orientation.
- Power Construction will provide a system to allow workers to report potential jobsite hazards to Power Construction and/or supervisors upon discovery. All workers on the jobsite have stop-work authority as it relates to safety. Power Construction will require all workers to attend daily huddle meetings.
- Power Construction will hold weekly foremen’s meetings to communicate and share safety-related information across different crews and trades.
- Power Construction will participate in frequent safety observations and provide all contractors and subcontractors on site with a copy of the safety audit reports for use in discussion with workers during toolbox talks.
- Power Construction will implement a weekly site-wide safety meeting for all employees on-

site to participate.

- All major on-site contractors and subcontractors will be invited and encouraged to participate in the site monthly safety committee meetings.

Hazard Identification and Assessment

This project will focus on safety at all times and Power Construction will implement jobsite safety compliance to OSHA standards including, but not limited to, the following ways:

- Power Construction will conduct weekly and monthly site observations and review all subcontractors, workers, and site conditions for safe practices.
- Power Construction will immediately take necessary measures to abate any unsafe conditions and keep record of these events in the weekly and monthly audits.
- Power Construction will monitor all workers, visitors, and others entering the worksite to ensure safe conditions throughout the worksite.

Hazard Prevention and Control

Power Construction considers Hazard Prevention and Control a process requiring efforts of monitoring and identifying jobsite hazards and taking corrective actions to maintain a safe and healthy jobsite at all times.

- Power Construction or responsible contractor will ensure that hazard correction procedures are in place.
- Power Construction or responsible contractor will ensure that everyone has been instructed in the use and maintenance of personal protective equipment.
- Power Construction or responsible contractor will make sure that everyone has been instructed in how to follow safe work procedures.

Education and Training

Power Construction understands that providing workers with an explanation of hazard recognition and control, and actively involving them in the process, can help to eliminate hazards before an incident occurs.

- Power Construction or the responsible contractor will ensure properly authorized and instructed workers be allowed to work on tasks assigned.
- Power Construction or the responsible contractor will ensure workers are instructed on safe methods and procedures.
- Power Construction or the responsible contractor will ensure that supervisors are trained to recognize hazards and understand their responsibilities.
- All workers at the foreman and above position will possess minimum required training such as OSHA 30-hour, First Aid, CPR, Silica Awareness, Cranes and Rigging, and Fall Protection.
- All workers at the foreman and above position will complete supervisor's orientation.

Program Evaluation and Improvement

Power Construction understands that once a safety and health program is established, it should be evaluated to verify that it is being implemented as intended. After that, employers should periodically, and at least annually, the program for changes and improvements, and complete projections to determine if the program is on track to achieve its goals.

- Control measures are periodically evaluated for effectiveness.
- Processes are established to monitor program performance, verify program implementation, and identify program shortcomings and opportunities for improvement.
- Necessary actions are taken to improve the program and overall safety and health performance.
- Third-party audits with OSHA Area Offices, the Idaho Occupational Safety and Health Consultation

Program, to ensure program is operating as intended.

Communication and Coordination for Employers on Multi-employer Worksites

Power Construction considers effective communication and coordination among contractors and their workers critical to a safe workplace.

- General contractors, contractors, subcontractors, and staffing agencies commit to providing the same level of safety and health protection to all workers.
- General contractors, contractors, subcontractors, and staffing agencies communicate the hazards present at the worksite and the hazards that contract workers may create on site.
- General contractors establish specifications and qualifications for contractors, subcontractors, and staffing agencies.
- Prior to beginning work, general contractors, contractors, subcontractors, and staffing agencies coordinate on work planning and scheduling in an effort to identify and resolve any conflicts that could impact safety or health.

V. WORKER INVOLVEMENT

- Power Construction or the responsible contractor will ensure workers are involved with daily huddle meetings to discuss the activities for the day, potential exposures, and the control measures designed to address project hazards.
- Power Construction or the responsible contractor will ensure workers participate in weekly safety toolbox talk meetings.
- Power Construction or the responsible contractor requires reporting of any near miss, unsafe conditions, or incident.
- Power Construction or the responsible contractor will provide support to all workers and/or their representatives by providing feedback on risks and assisting them in eliminating hazards.
- The Labor Unions shall be permitted to designate a Safety Representative if they desire. The Safety Representative will be permitted to attend all safety related meetings and onsite walkthroughs with the employer and OSHA representatives. The Safety Representative can be someone other than the job steward.

VI. PERFORMANCE MEASURES

Performance measures as outlined in section III will be used to assess the effectiveness of the partnership. Power Construction will gather and track data for the performance measures and share the information with OSHA, as specified in Appendix B of the Strategic Partnership Program for Worker Safety and Health, OSHA Directive CSP 03-02-003.

VII. EVALUATION

The program will be evaluated on an annual basis by using the OSHA Strategic Partnership Program Annual Partnership Activities Report and Evaluation format, as specified in Appendix C of the Strategic Partnership Program for Worker Safety and Health, OSHA Directive CSP 03-02-003.

It will be the responsibility of Power Construction to collect the required data to evaluate and track the overall results and successes of the partnership. This data will be shared with OSHA and the Idaho Occupational Safety and Health Consultation Program.

OSHA will conduct, write, and submit the annual evaluation report with input received from the partners.

VIII. VERIFICATION PROCEDURES

OSHA will conduct one unannounced enforcement verification inspection each year for the tenure of the project. These inspections will be conducted through normal enforcement inspection activity. Inspections conducted in response to reported accidents, complaints, local emphasis programs, or referrals may qualify as the enforcement verification inspection. In addition to addressing the accident/complaint/referral item(s), the compliance officer will complete the focused inspection protocol for the worksite. These inspections include the potential for issuing citations and assessing penalties for violations.

Furthermore, Power Construction and its subcontractors will remain subject to OSHA inspections and investigations in accordance with agency procedures.

Onsite non-enforcement verification consisting of a worksite review will be conducted as part of the quarterly partnership meeting.

IX. INCENTIVES

OSHA's Field Operations Manual details opportunities available during citation/case settlement for all employers who undergo onsite enforcement inspections. These opportunities are also available for partnering companies participating in the Partnership. OSHA will also offer, as sources permit, the following incentives: Being available for offsite activities such as participating in audits and evaluations, workshops, speaking events, and providing informational materials.

X. PARTNERSHIP MANAGEMENT AND OPERATION

Power Construction and its contractors, in association with the U.S. Department of Labor/Occupational Safety and Health Administration – Boise Area Office, Idaho Occupational Safety and Health Consultation Program, and all listed Labor Unions, will form a partnership committee to monitor the implementation of this Agreement. It will consist of a representative from each of the designated partners. Power Construction will serve as the chairperson and as OSHA's primary contact. The committee will review contractor compliance and involvement in the partnership; analyze jobsite audits; initiate improvements; and evaluate modifications, achievements, and success of the partnership.

Power Construction *will*:

- Implement comprehensive safety and health programs, which include:
 - management commitment and employee involvement,
 - hazard analysis,
 - hazard control, and
 - worker education and training.

- Mentor subcontractors who have not yet developed their own safety and health programs and, if necessary, refer them to OSHA, Idaho Occupational Safety and Health Consultation Program staff and/or Boise Area Office for assistance.
- Implement a six-foot fall protection requirement throughout the Project.
- Participate in the National Safety Stand-Down to Prevent Falls in Construction.
- Share the responsibility for overseeing site safety, serving as a point of contact, and overseeing the partnership goals.
- Ensure weekly safety observation is conducted.
- Ensure that all subcontractors are invited and encouraged to participate in jobsite safety meetings/toolbox talks on a weekly basis and document all attendance and topics.
- Review monthly incident summaries, including first aid, injury, and near-miss reports, with management and the safety committee.
- Onsite non-enforcement verification reviews will be conducted as part of the quarterly partnership meeting. A union representative can choose to be part of the inspection group. If non-compliant activity or hazards are discovered, immediate correction is required. Power Construction will document the corrective action taken and share this information during the quarterly update meetings. A referral for an enforcement inspection will be made if management refuses to correct a serious hazard identified during the non-enforcement verification visit.
- Agree to allow OSHA representatives site access during inspection activities (monitoring and un-programmed activities such as fatalities and employee complaints).
- Audit the Partnership and make recommendations for improvement.
- Share and make available to all workers at the site jobsite observations and near-miss incident report summaries.
- Require the use of appropriate personal protective equipment by all entering the worksite. Appropriate personal protective equipment, including ANSI-approved hardhats, eye protection and high-visibility reflective vests or high-visibility clothing as a minimum, will be worn at all times on the worksite.

OSHA will:

- Participate in the quarterly partnership meetings and site reviews, as resources allow.
- Designate a Boise Area Office contact to be used as a resource for technical issues, and who will be available to assist with safety and health training/toolbox meetings.
- Review Power Construction's monthly safety and health self-audits.

Idaho Occupational Safety and Health Consultation Program

- Provide industrial hygiene, safety, and ergonomics consultation services upon request as resources permit

Labor Unions will:

- Represent all unions affiliated with the work trade scopes of this project.
- Assist in additional safety training to their respective union members.

XI. WORKER AND EMPLOYER RIGHTS

This partnership does not preclude workers and/or employers from exercising any rights provided under the OSH Act (or, for federal workers, 29 CFR 1960), nor does it abrogate any responsibility to comply with rules and regulations adopted pursuant to the Act.

XII. PARTNERSHIP TERM

This agreement will terminate on November 1, 2025 or at the completion of construction activities if that occurs sooner. If any signatory of this agreement wishes to terminate its participation prior to the established termination date, written notice of the intent to terminate must be provided to all other signatories.

If OSHA or Power Construction chooses to terminate its participation in the partnership, the entire agreement is terminated.



Changes to the partnership agreement may be implemented in writing if all parties are in agreement that it is in the best interest of all members involved.

XIII. SIGNATORIES


**United States Department of Labor
Occupational Safety & Health Administration**

Based upon a mutual interest to protect construction workers, the parties below agree to the above terms on the Power Construction Construction/OSHA Partnering Agreement for the 12th & Idaho Project in Boise, Idaho.

Signed this _____ day of _____, 2023

| Participant | Signatory |
|--|--|
|  | OSHA, Boise Area Office Signature: _____ Printed Name: David G. Kearns, Area Director |
| Boise State University | Idaho Occupational Safety and Health Consultation Program Signature: _____ Printed Name: Kimberli Reynolds, Acting Program Manager |
|  | Power Construction Company II, LLC Signature: _____ Printed Name: Jeff Geier, President and CEO |

Union Representation

| Participant | Signatory |
|---|--|
|  | Southwest Regional Council of Carpenters Signature: _____ Printed Name: Antonio Acosta, Regional Manager |